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HOUSE BILL 466

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

JOHN A. HEATON

AN ACT

RELATING TO MAGISTRATE RETIREMENT; AMENDING SECTION 10-12C-16
NMSA 1978 (BEING LAWS 1992, CHAPTER 118, SECTION 16).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-12C-16 NMSA 1978 (being Laws 1992,
Chapter 118, Section 16) is amended to read:

"10-12C-16. SUSPENSION OR FORFEITURE OF BENEFITS. --

A. If a member retires and is subsequently
employed by any employer covered by any state system or the
educational retirement system, the retired member's pension
shall be suspended effective the first day of the month
following the month in which the subsequent employment begins.
The suspended pension of a previously retired member shall
resume and be effective the first day of the month following
the month in which the member leaves office or terminates the

underscored material = new
[bracketed material] = del etc

1 subsequent employment.

2 B. The right to receive a pension pursuant to the
3 provisions of the Magistrate Retirement Act shall be forfeited
4 if the member is removed from office pursuant to the
5 provisions of Article 6, Section 32 of the constitution of New
6 Mexico and the member's only entitlement from the fund shall
7 be the refund of the member's own contributions.

8 C. The provisions of Subsection A of this section
9 shall not apply to a retired member who is elected to serve a
10 term as an elected official if the retired member files an
11 irrevocable exemption from membership in any state system with
12 the association within thirty days of taking office. Filing
13 of an irrevocable exemption shall irrevocably bar the retired
14 member from acquiring service credit for the period of
15 exemption from the membership. "